

REMARKS

Upon entry of the above amendment, claims 2 and 8-9 will have been amended to enhance the clarity thereof. Further, claims 16-17 will have been newly submitted. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all pending claims in the present application, in due course.

Initially, Applicants thank the Examiner for indicating that claims 1-7 and 14-15 are allowed. Further, Applicants express their gratitude to the Examiner for indicating that claims 10-13 would be allowable if rewritten into independent form.

Applicants also thank the Examiner for considering the documents cited in the Information Disclosure Statements of April 16, 2004 and May 27, 2004. However, Applicants note that the Examiner has not confirmed his consideration of U.S. Patent Application Publication 2002/115536, which is the first document listed in the Information Disclosure Statement of May 27, 2004. Accordingly, in the next communication, the Examiner is respectfully requested to return a copy of the PTO-1449 Form with his initials on the appropriate space thereon confirming his consideration of the above-mentioned document.

In addition, Applicants respectfully request that the Examiner acknowledge Applicants' claim for foreign priority and confirm receipt of the certified copy of the priority document.

In the Official Action, the Examiner rejected claims 8 and 9 under 35 U.S.C. §102(b) as being anticipated by LYLES (U.S. Patent No. 2,889,148).

Applicants, however, respectfully traverse the above-mentioned rejection and submit that it is inappropriate with respect to the claims pending in the present application. In this regard, Applicants respectfully request withdrawal of the rejection of the claims at least since LYLES fails to disclose each and every recited feature recited in the claims.

For example, Applicants submit that an aspect of the balance practicing machine, as recited in claim 8, is to include, inter alia, a drive assembly that provides a swinging motion and a pivoting motion. Further, the pivoting motion is configured to occur in a plane that is substantially transverse to a plane comprising the swinging motion.

However, Applicants submit that LYLES fails to disclose or suggest at least the above-mentioned features as recited in the claimed combination. Rather, LYLES is directed towards a mechanical horse that rocks and bucks. More specifically, LYLES discloses that the rocking motion involves a forward and backward movement. Further, as illustrated in Figures 2 and 6, LYLES describes the bucking motion as being a limited pivotal movement about the rocking plate 19 which occurs while the horse is rocking (column 2, lines 51-53). However, neither a rocking motion (i.e., forward and backward movement) nor a bucking motion (i.e., pivotal movement), as taught by LYLES, anticipates a swinging motion within a plane that is transverse to a plane of pivotal motion, as recited in the claims.

Accordingly, as LYLES fails to disclose each and every feature, as recited in the claims, Applicants respectfully request withdrawal of the rejection together

with an indication of the allowability of all claims pending in the present application.

Furthermore, Applicants submit that new claims 16-17 are allowable for the combination of features recited therein. Also, Applicants submit that new claims 16-17 are believed to be allowable at least due to their dependency on claim 8, which Applicants have shown to be allowable.

Thus, in view of the amendments and arguments herein, Applicants submit that all of the claims in the present application are in condition for allowance and are clearly patentable over the applied reference. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection, as well as an indication of the allowability of each of the claims in view of the herein-contained remarks.

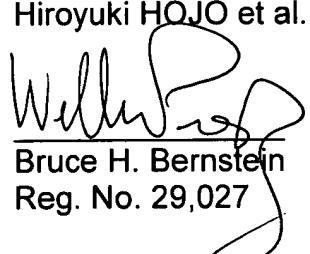
SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims to enhance the clarity thereof and argued their allowability. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims made in this amendment have not been made to overcome the prior art, and thus, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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